

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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XIAMIN ZENG,

Plaintiff,
-against-

THE CITY OF NEW YORK, DETECTIVE DANIELLE FEBUS [RANK FY20000], INSPECTOR JOHN CHELL, DETECTIVE GARY DENEZZO [RANK FY20000], SERGEANT GEORGE TAVARES (#5354), POLICE OFFICER IRWIN LUPERON (SHIELD NO #27763), POLICE OFFICER ERLENE WILTSHERE (SHIELD NO. #24340), and POLICE OFFICER CHRISTOPHER ROBLEY (#23263), in both their individual and professional capacities,

**DECLARATION OF
JEFFREY F. FRANK IN
SUPPORT OF
DEFENDANTS' MOTION
FOR SUMMARY
JUDGMENT**

19 Civ. 3218 (JGK) (KHP)

Defendants.

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Jeffrey F. Frank, an attorney duly admitted to practice in the United States District Court for the Southern District of New York, declares, under penalty of perjury and pursuant to 28 U.S.C. § 1746, that the following is true and correct:

1. I am an Assistant Corporation Counsel at the New York City Law Department, Office of the Corporation Counsel, and I make this Declaration in support of defendants' motion for summary judgment pursuant to Rule 56 of the Federal Rules of Civil Procedure. I am fully familiar with the matters set forth herein. In support of their motion, defendants submit the exhibits described below.

2. Annexed hereto as "*Exhibit A*" is a true and correct copy of the relevant portions of the transcript of the deposition of plaintiff, conducted on September 8, 2022.

3. Annexed hereto as "*Exhibit B*" is a true and correct copy of the relevant portions of the deposition of defendant Detective Danielle Febus, conducted on November 2, 2022.

4. Annexed hereto as "*Exhibit C*" is a true and correct copy of the transcript of plaintiff's hearing pursuant to N.Y. Gen. Mun. L. § 50-h, conducted on February 27, 2019.

5. Annexed hereto as "*Exhibit D*" is a true and correct copy of excerpts from plaintiff's medical records of treatment with Chun-Kit Chan, MD.

6. Annexed hereto as "*Exhibit E*" is a true and correct copy of excerpts from plaintiff's physical therapy records.

7. Inspector John Chell and Officer Robley were never properly served and, therefore, are not defendants in this action.

Dated: New York, New York
March 10, 2023

HON. SYLVIA O. HINDS-RADIX
Corporation Counsel of the City of New York
Attorney for Defendants City & Febus
100 Church Street
New York, New York 10007
(212) 356-3541

By:



Jeffrey F. Frank
Assistant Corporation Counsel
Special Federal Litigation

cc: All Counsel (via ECF)